

ASSEMBLY BILL

No. 898

Introduced by Assembly Member Maze
(Coauthors: Assembly Members Baca, Benoit, Koretz, and Niello)
(Coauthor: Senator Runner)

February 18, 2005

An act to amend Section 44014.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 898, as introduced, Maze. Air pollution: smog check: test-only stations.

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law also establishes an enhanced motor vehicle inspection and maintenance program (smog check II) in each urbanized area of the state, any part of which is classified by the United States Environmental Protection Agency as a serious, severe, or extreme nonattainment area for specified air contaminants. Existing law prohibits the repair of vehicles at test-only facilities, except for certain specified minor repairs. Existing law requires a smog check technician to pass a qualification examination administered by the department and meet prerequisite minimum experience and training criteria in order to be qualified to perform tests or making repairs under the smog check system.

This bill would require the department, with respect to the qualification tests for test-only technicians in the enhanced program

areas, to (1) review the qualification tests imposed on test-only technicians in enhanced program areas in other states and make the testing requirements imposed in this state as consistent as possible with those in other states, to (2) establish prerequisite training for test-only technicians and permit an individual who completes 40 hours of that training to take a qualification examination, and to (3) revise the qualification requirements to permit applicants to become smog check technicians at test-only stations by completing the prerequisite training and passing the smog check qualification examination that would be required to be as consistent as possible with those in other states and appropriate for a test-only technician.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44014.5 of the Health and Safety Code
2 is amended to read:
3 44014.5. (a) The enhanced program shall provide for the
4 testing and retesting of vehicles in accordance with Sections
5 44010.5 and 44014.2 and this section.
6 (b) The repair of vehicles at test-only facilities shall be
7 prohibited, except that the minor repair of components damaged
8 by station personnel during inspection at the station, any minor
9 repair that is necessary for the safe operation of a vehicle while at
10 a station, or other minor repairs, such as the reconnection of
11 hoses or vacuum lines, may be undertaken at no charge to the
12 vehicle owner or operator if authorized in advance in writing by
13 the department.
14 (c) The department shall provide for the distribution to
15 consumers by test-only facilities of a list, compiled by region, of
16 smog check stations licensed to make repairs of vehicular
17 emission control systems. A test-only facility may not refer a
18 vehicle owner to any particular provider of vehicle repair
19 services.
20 (d) (1) The department shall establish standards for training,
21 equipment, performance, or data collection for test-only
22 facilities.
23 (2) *Notwithstanding the requirements of Section 44045.5, the*
24 *department shall do all of the following relating to the*

1 *qualification requirements for test-only technicians in the*
2 *enhanced program areas:*

3 *(A) Review the qualification requirements for test-only*
4 *technicians in enhanced program areas in other states and make*
5 *the requirements imposed in this state as consistent as possible*
6 *with those imposed in other states.*

7 *(B) Establish prerequisite training for test-only technicians,*
8 *and permit an individual who completes 40 hours of that training*
9 *to take a qualification examination.*

10 *(C) Revise the qualification requirements to permit applicants*
11 *to become a smog check technician in those areas by doing both*
12 *of the following:*

13 *(1) Completing 40 hours of the prerequisite training*
14 *established pursuant to subparagraph (B).*

15 *(2) Passing the smog check qualification examination, which*
16 *shall be as consistent as possible with those in other states and*
17 *appropriate for a test-only technician.*

18 *(e) The department shall prohibit test-only facilities from*
19 *engaging in other business activities that represent a conflict of*
20 *interest, as determined by the department.*

21 *(f) The test-only facility may charge a fee, established by the*
22 *department, sufficient to cover the facility's cost to perform the*
23 *tests or services, including, but not limited to, referee services*
24 *and the issuance of waivers and hardship extensions required by*
25 *this chapter. In addition, the station shall charge and collect the*
26 *certificate fee established pursuant to Section 44060. This*
27 *subdivision shall apply only to facilities contracted for pursuant*
28 *to subdivision (e) of Section 44010.5.*

29 *(g) The department shall ensure that there is a sufficient*
30 *number of test-only facilities to provide convenient testing for*
31 *the following vehicles:*

32 *(1) All vehicles identified and confirmed as gross polluters*
33 *pursuant to Section 44081 and Section 27156 of the Vehicle*
34 *Code.*

35 *(2) (A) Vehicles initially identified as gross polluters by a*
36 *smog check station licensed as a test-and-repair station may be*
37 *issued a certificate of compliance by a test-only facility or by a*
38 *licensed smog check station certified pursuant to Section*
39 *44014.2.*

1 (B) For purposes of this section, the department shall
2 implement a program that allows vehicles initially identified as
3 gross polluters to be repaired and issued a certificate of
4 compliance by a facility licensed and certified pursuant to
5 Section 44014.2.

6 (3) All vehicles designated by the department pursuant to
7 Sections 44014.7 and 44020.

8 (4) Vehicles issued an economic hardship extension in the
9 previous biennial inspection of the vehicle.

10 (h) The department shall provide a sufficient number of
11 test-only facilities authorized to perform referee functions to
12 provide convenient testing for those vehicles that are required to
13 report to, and receive a certificate of compliance from, a test-only
14 facility by this chapter, including all of the following:

15 (1) All vehicles seeking to utilize state-operated financial
16 assistance or inclusion in authorized scrap programs.

17 (2) All vehicles unable to obtain a certificate of compliance
18 from a licensed smog check station pursuant to subdivision (c) of
19 Section 44015.

20 (3) Any other vehicles that may be designated by the
21 department.

22 (i) Gross polluters shall be referred to a test-only facility, or a
23 test-and-repair station that is both licensed and certified pursuant
24 to Sections 44014 and 44014.2, for a postrepair inspection and
25 retest pursuant to subdivision (g). Simply passing the emissions
26 test shall not be a sufficient condition for receiving a certificate
27 of compliance. A certificate of compliance shall only be issued to
28 a vehicle that does not have any defects with its emission control
29 system or any defects that could lead to damage of its emission
30 control system, as provided in regulations adopted by the
31 department.